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EXAMINER

AIRAPETIAN, MILA

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3625

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Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 125, 128, 129, 131, 147, 154, 157, 171, 172, 174, 175, 176, 177, 187, 189, 194, 195, 200, 203, 210, 211 and 213 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 125 recites the following limitation: "*enabling the recipient to claim the at least one specified product or service in person at any venue in the set of one or more venues*" which is confusing. Apparently, the claim does not recite a "claiming" step per se, therefore, it is not clear what does the step "*enabling*" actually contemplate. Furthermore, it is not clear should the information as to "claiming a product" be given patentable weight.

Claim 128 recites the following limitation: "*associating the instruction with a physical device adapted to be presented by the recipient at any venue in the set of one or more venues to claim the at least one specified product or service*" which is confusing. So as the "claiming" step is not positively claimed, it is not clear should said limitation be given patentable weight.

Claim 154 recites the limitation "*wherein the specification of the list...*" which lacks antecedent basis.

Same reasoning applied to claims 129, 131, 147, 157, 171, 174, 175 and 177.

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Claim 171 is referring to itself, which is confusing.

Same reasoning applied to claims 172, 176, 187, 189, 194, 195, 200, 210, 211 and 213.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 124-139, 141, 142, 144, 145, 147-151, 153, 155, 160-164, and 166 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredlund et al. (US 2002/0181009).**

**Claim 124.** Fredlund et al. (Fredlund) teaches a computer-implemented method of purchasing products, comprising:

(a) receiving an instruction from a purchaser to purchase at least one specified product or service for a specified recipient different from the purchaser, the at least one

specified product or service to be provided to the recipient in person at any venue in a set of one or more venues [0029], [0030]; and

(b) transmitting to the recipient a notification corresponding to the instruction, wherein the notification identifies the set of one or more venues [0034].

**Claim 125.** Fredlund teaches said method wherein the notification further comprises an identifier enabling the recipient to claim the at least one specified product or service in person at any venue in the set of one or more venues (Fig. 10(b); [0031]).

**Claim 126.** Fredlund teaches said method wherein the identifier comprises at least one of (i) at least a portion of the name of the recipient and (ii) an alphabetic, numeric, or alphanumeric expression (Fig. 10(b); [0030]).

**Claim 127.** Fredlund teaches said method wherein the identifier is adapted to be printed on a medium to enable the recipient to claim the at least one specified product or service by presenting the medium at any venue in the set of one or more venues (Fig. 10(b); [0031]).

**Claim 128.** Fredlund teaches said method further comprising associating the instruction with a physical device adapted to be presented by the recipient at any venue in the set of one or more venues to claim the at least one specified product or service [0047].

**Claim 129.** Fredlund teaches said method further comprising:  
(c) transmitting to at least one venue in the set of one or more venues, data enabling authentication of the recipient to claim the at least one specified product or service [0047], [0030].

**Claim 130.** Fredlund teaches said method wherein step (c) is performed at substantially the same time as presentation at the at least one venue of (i) an identifier, (ii) a physical medium having an identifier printed thereon, or (iii) a physical device by the recipient enabling authentication of the recipient to claim the at least one specified product or service [0047].

**Claim 131.** Fredlund teaches said method wherein step (c) further comprises transmitting the data enabling the authentication of the recipient to all of the venues of the set of one or more venues in advance of presentation of an identifier, a physical medium having an identifier printed thereon, or a physical device by the recipient enabling authentication of the recipient to claim the at least one specified product or service [0047].

**Claim 132.** Fredlund teaches said method wherein the data provided in step (c) comprises identification of the at least one product or service [0047].

**Claim 133.** Fredlund teaches said method further comprising:

(c) storing instruction data associated with the instruction indicating that the recipient is entitled to the at least one specified product or service [0029], [0030];

(d) receiving redemption data from a venue indicating that the at least one specified product or service has been provided to the recipient [0053]; and

(e) updating the instruction data to indicate that the at least one specified product or service has been provided [0053].

**Claim 134.** Fredlund teaches said method further comprising transmitting data

corresponding to the instruction for storage on at least one local storage medium at least one venue in the set of one or more venues [0027].

**Claim 135.** Fredlund teaches said method further comprising storing data corresponding to the instruction on a server remote from the set of one or more venues [0026].

**Claim 136.** Fredlund teaches said method wherein the set of one or more venues includes two or more venues (Fig. 1; [0026]).

**Claim 137.** Fredlund teaches said method wherein the two or more venues comprise a plurality of sites associated with a chain of establishments [0048].

**Claim 138.** Fredlund teaches said method further comprising:

(c) receiving a message specified by the purchaser [0043]; [0034]; and

(d) transmitting the message to the recipient [0043]; [0034].

**Claim 139.** Fredlund teaches said method wherein the message comprises an audio message ([0043], automated telephone messages indicate audio messages).

**Claim 141.** Fredlund teaches said method wherein the pre-supplied portion comprises at least one of (i) a purchaser name, (ii) a purchaser email address, (iii) a purchaser text messaging address, (iv) one or more venues, (v) one or more products or services, and (vi) payment information (Fig. 9 (a) (item 44)).

**Claim 142.** Fredlund teaches said method further comprising electronically processing a payment from the purchaser for the at least one specified product or service [0010].

**Claim 144.** Fredlund teaches said method wherein the instruction specifies a plurality of specified products or services, each at a different set of one or more venues associated with the same recipient [0032].

**Claim 147.** Fredlund teaches said method further comprising:

(c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more possible venues [0034]; and

(d) receiving from the purchaser a selection of the set of one or more venues from the list of one or more possible venues [0030], [0034].

**Claim 148.** Fredlund teaches said method further comprising:

(e) receiving location-based information obtained from a device or token associated with the recipient [0045], and

(g) generating the list of one or more possible venues based on the location-based information [0045].

**Claim 149.** Fredlund teaches said method wherein the device or token is an RF tag [0047].

**Claim 150.** The invention of claim 148, wherein the device or token is a location-enabled mobile telephone [0043].

**Claim 151.** Fredlund teaches said method wherein the device or token is a device operating according to an 802.11 standard (wireless indicates [0043]).

**Claim 160.** Fredlund teaches said method wherein further comprising transmitting identification of the at least one product or service to the recipient [0043], [0047].



**Claim 161.** Fredlund teaches said method, further comprising receiving the instruction from the purchaser, wherein the purchaser transmits the instruction using a physical device located remotely from the venues in the set of one or more venues [0031].

**Claim 162.** Fredlund teaches said method further comprising receiving the instruction from the purchaser, wherein the purchaser transmits the instruction using a physical device located at or near any one of the venues in the set of one or more venues [0031].

**Claim 163.** Fredlund teaches said method further comprising:

(c) displaying to the purchaser, on a communications device, a list of one or more available products or services [0030]; and

(d) receiving from the purchaser a selection of the at least one product or service from the list of one or more available products or services [0030].

**Claim 164.** Fredlund teaches said method wherein the list of one or more available products or services is specified by the recipient, and further comprising receiving the list of one or more available products or services from the recipient in advance of receipt of the selection from the purchaser [0032].

**Claim 166.** Fredlund teaches said method further comprising:

(c) storing an account balance for the purchaser [0049]; and

(d) debiting or crediting the account balance based on the instruction [0049].

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 140, 145, 153 and 154 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund.**

**Claim 140.** Fredlund teaches receiving instructions from the recipient wherein said instruction comprises sending a thank you note to the purchaser after receiving a gift from the purchaser.

Fredlund does not teach:

(c) receiving an instruction from the recipient to purchase at least one specified product or service for the purchaser, the at least one specified product or service to be provided to the purchaser in person at any venue in a second set of one or more venues, and (d) transmitting to the recipient a notification corresponding to the instruction, wherein the notification identifies the second set of one or more venues, wherein at least a portion of the instruction from the recipient is pre-supplied without input from the recipient.

However, Fredlund does teach:

(c) receiving an instruction from the purchaser to purchase at least one specified product or service for the purchaser, the at least one specified product or service to be

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provided to the purchaser in person at any venue in a second set of one or more venues [0029], [0030], and

(d) transmitting to the recipient a notification corresponding to the instruction, wherein the notification identifies the second set of one or more venues, wherein at least a portion of the instruction from the recipient is pre-supplied without input from the recipient [0034].

Method step recited in Fredlund would remain the same regardless who is the purchaser and who is the recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said purchaser is a recipient, because it would advantageously allow to increase revenue.

**Claim 145.** Fredlund teaches said method wherein the instruction specifies a specific product or service for recipient associated with the set of one or more venues.

However, it would not be feasible to create such a system just for one recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include plurality of different recipients, because it would advantageously allow to generate revenue.

**Claim 153.** Fredlund teaches said method wherein the purchaser (who can be a recipient) specifies the list of one or more possible venues, and further comprising receiving the list of one or more possible venues from the recipient [0034].

Fredlund does not teach that said purchaser is a recipient. However, method step recited in Fredlund would remain the same regardless who is the purchaser and

who is the recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said purchaser is a recipient, because it would advantageously allow to increase revenue.

**Claim 154.** Fredlund teaches said method including the specification of the list of one or more possible venues by the recipient/purchaser and receiving of the instruction in step (a) [0029], [0030].

However, Fredlund does not teach that said specification and receipt of the instruction occurs at a substantially different time. However, Fredlund does not specifically teach that said "specification" and "receiving" steps are conducted substantially simultaneously or at the same time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said "specification" and "receiving" steps are conducted substantially simultaneously or at the same time, because it would advantageously allow the purchaser/recipient to take time to make a decision in selecting the most appropriate venue.

**Claim 155.** Fredlund teaches said method wherein the purchaser specifies a single venue as the list of one or more possible venues, the single venue being a venue at which the recipient is currently located [0029], [0030], [0034].

Fredlund does not teach that said purchaser is a recipient. However, method step recited in Fredlund would remain the same regardless who is the purchaser and who is the recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said purchaser

is a recipient is a purchaser, because it would advantageously allow to increase revenue.

**Claims 152, 156, 165 and 169 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Kraemer (US 2005/0022119).**

**Claim 152.** Fredlund teaches all the limitations of claim 152 except using a historical list of one or more venues visited by the recipient to generate the list of possible venues.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein the list of retailers may be suggested in response to the gift-recipient's previous selections [0035].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include the list of one or more possible venues is generated based on a profile or criteria associated with the recipient, as disclosed in Kraemer, because it would advantageously allow to a gift giver to visit a single location and access a gift registry which includes products from more than one retailer, as specifically taught by Kraemer [0011].

**Claim 156.** Fredlund teaches all the limitations of claim 156 except that the list of one or more possible venues is generated based on a profile or criteria associated with the recipient.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein the list of retailers may be suggested in response to the gift-recipient's previous selections [0035].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include the list of one or more possible venues is generated based on a profile or criteria associated with the recipient, as disclosed in Kraemer, because it would advantageously allow to a gift giver to visit a single location and access a gift registry which includes products from more than one retailer, as specifically taught by Kraemer [0011].

**Claim 165.** Fredlund teaches all the limitations of claim 165 except storing the list of one or more available products or services in a profile associated with the recipient.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein sufficient information about the retailer and product are gathered and stored in an account created for the gift-recipient [0042].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include storing the list of one or more available products or services in a profile associated with the recipient, as disclosed in Kraemer, because it would advantageously facilitate future transactions such as purchasing the product. Furthermore, it would help select advertisements specifically targeted to the user, as specifically taught by Kraemer [0027].

**Claim 169.** Fredlund teaches all the limitations of claim 169 except that prior to receipt of the instruction from the purchaser, receiving from a recipient and transmitting

to a plurality of purchasers a message indicating at least one desired good or service and/or at least one venue specified by the recipient.

Kraemer Kraemer teaches a method for providing enhanced functionality to product web pages wherein the gift recipient's list of registered gifts are displayed to the gift giver [0046].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include receiving from a recipient a list of desired goods or services, as disclosed in Kraemer, because it would advantageously allow to avoid duplicate gift purchases.

**Claim 146 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Webb (US 2002/0143664).**

**Claim 146.** Fredlund teaches all the limitations of claim 146 except receiving, from a remote communications device used by the purchaser, a message indicating selection of a link (i) on a web or browser page or (ii) in an electronic or text message.

Webb teaches a method gift reminder and purchasing method wherein the user selects one of the URL links to connect to the gift merchant websites [0036].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include selection of a link, as disclosed in Webb, because it would advantageously allow the user immediately purchase the gift without having to embark on their own search or without having to remember to go to retail store to buy the gift, as specifically taught by Webb [0039].

**Claim 143 and 167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Belgrano (US 2003/0088497).**

**Claim 143.** Fredlund teaches all the limitations of claim 143 except that the payment is a debit or credit of a non-money exchange medium.

Belgrano teaches a method for combining barter systems and currency systems wherein products are exchanged for trade dollars equal to the value of the product [0013].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that the payment is a debit or credit of a non-money exchange medium, as disclosed in Belgrano, because it would advantageously allow to make payments for the goods in a situations where there is no common currency exchange, or for the specific purpose of avoiding the use of currency, as specifically taught by Belgrano [0007].

**Claim 167.** These limitations are covered and analyzed in claim 143 above.

**Claim 168 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of O'Toole (US 2002/0178078).**

**Claim 168.** Fredlund teaches all the limitations of claim 168 except that the instruction comprises a specified date and/or time for the notification to be provided to



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the recipient; and further comprising delaying the notification until the specified date and/or time.

O'Toole teaches a method for retaining clients by automated services fulfillment wherein the user can select a level of service for each client that determines when a card, note, letter or gift will be sent in the future on a specific date [0030].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that the instruction comprises a specified date and/or time for the notification to be provided to the recipient; and further comprising delaying the notification until the specified date and/or time, as disclosed in O'Toole, because it would advantageously allow to eliminate the need for reminders and a return to the site, or for the vendor to keep a paper list or electronic reminder list, as specifically taught by O'Toole [0030].

**Claims 157, 158 and 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Kontainen (US 2004/0219936).**

**Claim 157.** Fredlund teaches all the limitations of claim 157 except:

(c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and

(d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients.

Kontainen teaches a method of distributing messages wherein (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients [0045].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

**Claim 158.** Fredlund teaches all the limitations of claim 158 except:

(c) receiving location-based information from at least one communications device, and

(d) using the location-based information to generate the list of one or more prospective recipients.

Kontainen teaches a method of distributing messages wherein (c) receiving location-based information from at least one communications device, and (d) using the location-based information to generate the list of one or more prospective recipients [0045].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

**Claim 159.** Fredlund teaches all the limitations of claim 159 except:

(c) receiving data from a profile or criteria associated with at least one of the recipients; and

(d) generating the list of one or more prospective recipients based on the data from the profile or criteria.

Kontainen teaches a method of distributing messages wherein (c) receiving data from a profile or criteria associated with at least one of the recipients; and (d) generating the list of one or more prospective recipients based on the data from the profile or criteria.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient

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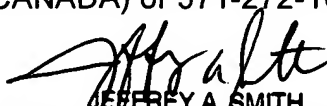
from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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